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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,003	08/01/2001	Mark Killmer	25720-702	5843

21971            7590            11/23/2004

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EXAMINER

ARTHUR JEANGLAUDE, GERTRUDE

ART UNIT

PAPER NUMBER

2144

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/921,003	KILLMER, MARK	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gertrude Arthur-Jeanglaude	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 August 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) 1-33 are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-4, drawn to a computer program product, classified in class 709, subclass 218.
- II. Claims 5-9 and 12, drawn to advertising in online environment, classified in class 705, subclass 402.
- III. Claims 10, 11, 13 and 14, drawn to comparative advertising, classified in class 705, subclass 400.
- IV. Claim 15 drawn to commercial transaction, classified in class 705, subclass 39.
- V. Claims 16 and 17, drawn to a message retrieval and transmission, classified in class 705, subclass 75.
- VI. Claims 18-23, drawn to computer usable with Internet browser for locating online site, classified in class 705, subclass 72.
- VII. Claims 24-33, drawn to transmogrifying content contained on a page, classified in class 370, subclass 390.

The inventions are distinct, each from the other because of the following reasons:

Inventions are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of

operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions because

**Invention I lacks Invention II features:**

Advertising subject matter (preamble)

Locality relating to user

Displaying only alternative sites in the same or proximate geographical locality

**Invention I lacks Invention III features**

Analyzing online site to identify products relating to competition of alternative sites

Informing the price of the product

Competing for the best price available

**Invention I lacks Invention IV features**

Transaction using user's financial information

**Invention I lacks Invention V features**

Sequentially attempting communication of one or more servers

Performing MX lookup to activate mail host IP

Incrementing and/or decrementing the hostname address

**Invention I lacks Invention VI features**

Use of non-ASCII codes

Intercepting messages

Analyzing strings

Comparing sites

Checking error messages for complaint

**Invention I lacks Invention VII features**

Assigning address points

Scanning page

Copying and locating starting and ending points

Transfer to a beneficiary site

Assigning steps for additional sub-tables

Combine sequence numbers and element types

**Invention II lacks Invention I features**

Compares URL, title and/or content of the site with index keywords

Location of the user

Category of the site with second index

Display alternate sites

Cross reference to determine alternate sites

**Invention II lacks Invention III features**

Analyzing online site to identify products relating to competition of alternative sites

Informing the price of the product

Competing for the best price available

**Invention II lacks Invention IV features**

Transaction using user's financial information

**Invention II lacks Invention V features**

Sequentially attempting communication of one or more servers

Performing MX lookup to activate mail host IP

Incrementing and/or decrementing the hostname address

**Invention II lacks Invention VI features**

Use of non-ASCII codes

Intercepting messages

Analyzing strings

Comparing sites

Checking error messages for complaint

**Invention II lacks Invention VII features**

Assigning address points

Scanning page

Copying and locating starting and ending points

Transfer to a beneficiary site

Assigning steps for additional sub-tables

Combine sequence numbers and element types

**Invention III lacks Invention I features**

Compares URL, title and/or content of the site with index keywords

Location of the user

Category of the site with second index

Display alternate sites

Cross reference to determine alternate sites

**Invention III lacks Invention II features:**

Advertising subject matter (preamble)

Locality relating to user

Displaying only alternative sites in the same or proximate geographical locality

**Invention III lacks Invention IV features**

Transaction using user's financial information

**Invention III lacks Invention V features**

Sequentially attempting communication of one or more servers

Performing MX lookup to activate mail host IP

Incrementing and/or decrementing the hostname address

**Invention III lacks Invention VI features**

Use of non-ASCII codes

Intercepting messages

Analyzing strings

Comparing sites

Checking error messages for complaint

**Invention III lacks Invention VII features**

Assigning address points

Scanning page

Copying and locating starting and ending points

Transfer to a beneficiary site

Assigning steps for additional sub-tables

Combine sequence numbers and element types

**Invention IV lacks Invention I features**

Compares URL, title and/or content of the site with index keywords

Location of the user

Category of the site with second index

Display alternate sites

Cross reference to determine alternate sites

**Invention IV lacks Invention II features:**

Advertising subject matter (preamble)

Locality relating to user

Displaying only alternative sites in the same or proximate geographical locality

**Invention IV lacks Invention III features**

Analyzing online site to identify products relating to competition of alternative sites

Informing the price of the product

Competing for the best price available

**Invention IV lacks Invention V features**

Sequentially attempting communication of one or more servers

Performing MX lookup to activate mail host IP

Incrementing and/or decrementing the hostname address

**Invention IV lacks Invention VI features**

- Use of non-ASCII codes
- Intercepting messages
- Analyzing strings
- Comparing sites
- Checking error messages for complaint

**Invention IV lacks Invention VII features**

- Assigning address points
- Scanning page
- Copying and locating starting and ending points
- Transfer to a beneficiary site
- Assigning steps for additional sub-tables
- Combine sequence numbers and element types

**Invention V lacks Invention II features:**

- Advertising subject matter (preamble)
- Locality relating to user
- Displaying only alternative sites in the same or proximate geographical locality

**Invention V lacks Invention III features**

- Analyzing online site to identify products relating to competition of alternative sites
- Informing the price of the product
- Competing for the best price available

**Invention V lacks Invention IV features**

Transaction using user's financial information

**Invention V lacks Invention VI features**

Use of non-ASCII codes

Intercepting messages

Analyzing strings

Comparing sites

Checking error messages for complaint

**Invention V lacks Invention VII features**

Assigning address points

Scanning page

Copying and locating starting and ending points

Transfer to a beneficiary site

Assigning steps for additional sub-tables

Combine sequence numbers and element types

**Invention VI lacks Invention I features**

Compares URL, title and/or content of the site with index keywords

Location of the user

Category of the site with second index

Display alternate sites

**Invention VI lacks Invention II features:**

Advertising subject matter (preamble)

Locality relating to user

Displaying only alternative sites in the same or proximate geographical locality

**Invention VI lacks Invention III features**

Analyzing online site to identify products relating to competition of alternative sites

Informing the price of the product

Competing for the best price available

**Invention VI lacks Invention IV features**

Transaction using user's financial information

**Invention VI lacks Invention V features**

Sequentially attempting communication of one or more servers

Performing MX lookup to activate mail host IP

Incrementing and/or decrementing the hostname address

**Invention VI lacks Invention VII features**

Assigning address points

Scanning page

Copying and locating starting and ending points

Transfer to a beneficiary site

Assigning steps for additional sub-tables

Combine sequence numbers and element types

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, III, IV, V, VI, VII, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

A telephone call was made to Willman George (Reg # 41,378) on November 17, 2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is (571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571) 272-3925. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GAJ  
*GAJ*  
November 17, 2004

*Gertrude A. Jeanglaude*  
GERTRUDE A. JEANGLAUDE  
PRIMARY EXAMINER